

**PLANNING AND ZONING COMMISSION
MINUTES
GENERAL MEETING
September 9, 2003**

PLACE: Room 206
Town Hall

TIME: 8:00 P.M.

PLANNING AND ZONING COMMISSION MEMBERS ATTENDING:
Damanti, Spain, Kenny, Forman, Bigelow, Conze

STAFF ATTENDING: Ginsberg

Mr. Damanti read the first agenda item:

Requested Amendment of Subdivision Application #481-A, Land Filling Application #42-B, Dominick & Annette Miceli, Wakeman Road. Proposing to adjust existing lot lines, add fill and regrade within 15 feet of property lines, construct two single-family residences, and perform related site development activities. The subject properties are located on the west side of Wakeman Road, approximately 230 feet north of its intersection with Old King's Highway North, and are shown on Tax Assessor's Map #32, as Lots #28-A and #28-B in the R-1/2 and Wakeman Road Affordable Housing Overlay Zones.

Mr. Damanti noted that draft resolutions had been put in Commission members' packets, allowing them to read through the materials over the weekend. Mr. Conze then made a motion to waive the reading of the resolution aloud. That motion was seconded by Mr. Bigelow and unanimously approved. Mr. Spain asked if there had been any changes in the application since the July public hearing. It was acknowledged that although the hearing was in late July, there were no changes at all in the application materials. Then Mr. Kenny made a motion to adopt the resolution as written with minor grammatical changes to paragraphs 1 and 2. That motion was seconded by Mr. Conze, and unanimously approved. The adopted resolution reads as follows:

**PLANNING AND ZONING COMMISSION
ADOPTED RESOLUTION
September 9, 2003**

Application Number: Amendment of Subdivision Application #481-A
Land Filling & Regrading Application #42-B

Tax Assessor's Map #32 Lot #28-A (owned by Annette Miceli)
and Map #32 Lot 28-B (owned by Dominick Miceli)
Addresses of Subject Properties: Wakeman Road

Name and Address of And Property Owner:	Dominick & Annette Miceli 188 Old King's Highway North Darien, CT 06820
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Name and Address of Applicant: D. Bruce Hill, Esq.
And Applicant's Representative: Gleason Hill & Ambrette, LLC
23 Old King's Highway South
Darien, CT 06820

Activity Being Applied For: Proposing to adjust existing lot lines, add fill and regrade within 15 feet of property lines, construct two single-family residences, and perform related site development activities.

Property Location: The subject properties are located on the west side of Wakeman Road approximately 230 feet north of its intersection with Old King's Highway North.

Zones: R-1/2 Zone and Wakeman Road Affordable Housing Overlay Zone (W-AH)

Date of Public Hearing: July 22, 2003

Time and Place: 8:00 P.M. Room 206 Town Hall

Publication of Hearing Notices

Dates: July 10 & 17, 2003

Newspaper: Darien News-Review

Date of Action: September 9, 2003

Action: APPROVED WITH CONDITIONS

Scheduled Date of Publication of Action:
September 18, 2003

Newspaper: Darien News-Review

The Commission has conducted its review and findings on the bases that:

- the proposed activities must comply with all provisions of Sections 400, 850 and 1000 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed activities are described in detail in the application, the submitted plans, and the statements of the applicant whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following careful review of the submitted application materials and related analyses, the Commission finds:

1. The subject properties were established as part of a 1972 subdivision, approved by the Planning and Zoning Commission before the adoption of inland wetlands and watercourses protection regulations. The 1972 approved plan created a front lot and a rear lot, each of which would need considerable filling of wetlands to create the then

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required on site septic systems. Neither lot was filled or developed. The current application proposes to adjust the existing lot lines so that the result would be two side by side lots and the buildable area of each lot would be close to Wakeman Road. A Special Permit is requested to add fill and regrade within 15 feet of property lines, to accommodate construction of the two single-family residences. The two proposed residences would tie into the Town sanitary sewer system and public water supply currently available on Wakeman Road.

2. The subject properties consist of significant amounts of wetlands. The proposed subdivision amendment would allow for the two residences to be placed closer to Wakeman Road, thereby minimizing wetlands impacts and allowing the undisturbed wetland portions of the site to be permanently protected from further development by a conservation easement to be filed in the Darien Land Records. The plan to modify the boundary lines and develop the lots was approved by the Environmental Protection Commission on January 10, 2001 (EPC application #56-2000), and the Zoning Board of Appeals on January 24, 2001 (Calendar No. 90-2000). Those approvals are hereby incorporated by reference.
3. On the north lot (Lot #28-B, owned by Dominick Miceli) there would be approximately 509 cubic yards of earth work, some of which is fill and some of which is removal. On the south lot (Lot #28-A, owned by Annette Miceli) would be approximately 449 cubic yards of earth work. The combined total of fill material for the two lots is 786 cubic yards.
4. The site plan has been reviewed by the Commission and is in general compliance with the intent and purposes of Sections 850 and 1000.
5. The proposal conforms to the standards for approval as specified in Section 1005 (a) through (g) of the Darien Zoning Regulations.

NOW THEREFORE BE IT RESOLVED that Amendment of Subdivision Application #481-A and Land Filling & Regrading Application #42-B are hereby approved subject to the foregoing and following stipulations, modifications and understandings:

- A. The filling and regrading shall be in accordance with the plans submitted to the Commission entitled:
 - Miceli Property Wakeman Road Darien, Connecticut, Development of Two Residential Lots, "Site Plan Showing Grading and Drainage", by Stearns & Wheler LLC, dated August 11, 2000 with a revision date of 11/7/00.
 - Miceli Property Wakeman Road Darien, Connecticut, Development of Two Residential Lots, "Site Plan Showing Erosion Controls", by Stearns & Wheler LLC, with a last revision date of 11/7/00.
- The lot line revision shall be in accordance with the plan filed with the Commission entitled:
- Zoning Location Survey prepared for Dominick Miceli Louis L. Miceli Darien, Connecticut Scale 1"=30' August 11, 2000 by William W. Seymour & Associates.

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- B. During the project, the applicant shall utilize sediment and erosion controls shown on the plans and any additional anti-tracking pads, temporary sediment basins, and/or other sediment and erosion control measures as may be necessary due to site conditions. These sediment and erosion controls shall be installed and maintained to minimize any adverse impacts during the construction and until the area has been revegetated or restabilized. All erosion control measures must be maintained until the disturbed areas are stabilized.
- C. The provision of a Performance Bond is hereby waived.
- D. A detailed regrading design and storm water drainage system design have been incorporated into the plans to avoid potential impacts of runoff on the adjacent properties. Prior to the request for the Certificate of Occupancy for, and/or use of, the new houses, the applicant shall submit verification from the project engineer that all aspects of the site regrading and storm drainage system installation have been completed in compliance with the approved plans.
- E. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- F. The granting of this approval does not relieve the applicant of the responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. This includes, but is not limited to, a Road Opening Permit from the Darien Public Works Department, and a permit from the US Army Corps of Engineers.
- G. This permit shall be subject to the provisions of Section 858 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (September 8, 2003). This may be extended as per Section 858.

All provisions and details of the plan shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final documents by the Chairman. The Conservation Easement, including but not limited to the provisions required within the EPC approval, shall be submitted to and reviewed by the Town Attorney and the Planning & Zoning Director prior to its filing with the final lot line adjustment mylar map in the Darien Land Records. A Special Permit form shall also be filed in the Darien Land Records within 60 days of this action or this approval shall become null and void.

Mr. Damanti then read the next agenda item:

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Amendment of Flood Damage Prevention Application #174, Land Filling Application #70, Joseph Pagliarulo, 40 Swifts Lane. Request to reconstitute and enlarge sunken garden; restore stone walls along edge of Gorham's Pond; plant trees, shrubs and groundcover; prune trees and clear brush; and install vegetable garden, all within a regulated area.

Mr. Ginsberg explained that this item was originally placed on a P&Z general meeting agenda in May of 2003. At that time, it was determined that the applicant should go before the Environmental Protection Commission first. Throughout the summer the applicant went before the Environmental Protection Commission (EPC) and the plan was finally approved on September 2, 2003. Mr. Ginsberg then distributed a copy of the EPC approval letter dated September 8, 2003. Commission members then silently read through that letter.

Landscape architect Keith Simpson then explained that they are making the sunken garden slightly larger. Planting Plan P-1 was then shown to the Commission. Mr. Damanti then asked if the septic system had been abandoned. Mr. Pagliarulo responded that it had. Mr. Pagliarulo also noted that there will be no work occurring within the drainage easement area. Mr. Simpson then submitted a copy of the plan entitled IR-01, which reflects the irrigation system proposed, and the fact that EPC did not approve any part of the irrigation system within 15 feet of Gorham's Pond. On a motion by Mr. Conze, seconded by Ms. Forman, the submitted plans were unanimously approved by a vote of 6 to 0.

Approval of June 24, 2003 Meeting Minutes.

Mr. Kenny had questions regarding pages 5 and 6 of the minutes regarding the Guerrara application for the Darien High School. He suggested the following wording be included: "Mr. Kenny said that the High School Building Committee should be the applicant in any subsequent applications." Mr. Kenny made a motion to approve the minutes as amended. That was seconded by Mr. Bigelow and was approved by a vote of 5 to 0, with Mr. Conze abstaining as he was not at the June 24th meeting.

Mr. Damanti read the next agenda item, and mentioned that he was disappointed that no members of the general public were in attendance to offer thoughts, hear the consultant's presentation or participate in the discussion. Mr. Ginsberg noted that Chief McManus and Captain Lovello of the Police Dept. and First Selectman Harrel were invited, but had conflicts. It was mentioned that the PZ&H Committee of the RTM was scheduled to meet earlier tonight in Town Hall.

Discussion of 2005 Town Plan of Conservation & Development

Discussion regarding the first draft of the first part the Traffic & Transportation Chapter. A brief presentation will be made by a representative from URS Greiner, Inc., the consultant who is assisting the Commission with this Chapter.

Mr. Ginsberg introduced Rob Aloise of URS Greiner who is the consultant for this Chapter of the Plan. Mr. Ginsberg explained that there are two phases of this Chapter, with the first phase focusing on intersections in need of improvement, traffic volumes and accidents. The second phase of the Chapter will address parking, public transportation and reviewing possible one-way downtown traffic flow. Mr. Ginsberg then noted that the intersection of West Avenue &

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Edgerton Street had not been included in the Chapter because it is in the process of being addressed.

Mr. Bigelow questioned the rate of increase of traffic flow and said that there may be future issues related to Hollow Tree Ridge Road as the 30+ acre Avalon property gets developed over the next year. Mr. Spain agreed that issues related to projected traffic flow should be included in the Town Plan. Mr. Bigelow noted that there is a heavy impact on Darien from I-95. Mr. Conze mentioned that Table 1 reflects that Darien is “a pass through” community and he explained the trends within that Table. Mr. Damanti agreed that development within the City of Norwalk has had a major effect on the traffic count numbers within Darien. Mr. Conze explained that a number of conclusions could be drawn from this Table. Mr. Damanti suggested that recommendations for relief through the State of Connecticut Department of Transportation could be considered, such as limiting truck traffic on Tokeneke Road and/or closing exits on I-95.

Ms. Forman said that on page 3, Traffic Volumes, there is a thorough explanation of a table in the Appendix (Table 1). It would be more appropriate to move this substantial explanation to the Appendix and keep the wording in the Chapter brief and concise. Mr. Damanti mentioned the importance of not only identifying a problem but presenting a possible solution to a problem. Mr. Conze noted that both in Norwalk and Stamford, those communities and their businesses use Darien for travel. Mr. Spain said that it is important to understand what the Town of Darien does and does not have control over relative to traffic and transportation. Mr. Aloise suggested traffic calming and scenic road designation as two possible recommendations to alleviate traffic impacts.

Ms. Forman suggested moving nearly all of the charts into the Appendix so that the text in the Chapter is more readable and flows better. Mr. Damanti again emphasized the need to have the 2005 Town Plan of Conservation and Development be a very readable document. It should be user-friendly and concise, with tables, charts and graphics included in the Appendix. All Commission members agreed with this premise.

Mr. Conze noted the potential increase in traffic in the Hollow Tree Ridge Road and Heights Road area due to the Avalon project and also the potential for development on the adjacent Duhaime parcel. Mr. Bigelow also suggested potential increases in Hollow Tree Ridge Road and West Avenue as a result of those projects.

When reviewing the high accident count data for the location in front of the Post Office on Heights Road, Mr. Damanti suggested that there are many possibilities to resolving this issue. One of them may be to provide development bonuses to the owner of that property to remove this dangerous parking on Heights Road. Mr. Ginsberg said that another solution would be for the Planning & Zoning Commission to support a variance request to eliminate that parking. Mr. Kenny emphasized that there is a delicate balance between parking and traffic flow. One area which he mentioned as an example of that, is the Post Road near Noroton Avenue where there is on-street parking which limits traffic flow in the area. Mr. Damanti said the Traffic and Transportation Chapter needs more than just traffic count numbers but also needs analysis and recommendations. Mr. Kenny noted the importance of traffic flow throughout downtown on Boston Post Road.

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Mr. Spain said that the entrance for the Darien Railroad Station parking lot on Boston Post Road is too steep, which has resulted in a number of buses recently being stuck at the entrance. Mr. Kenny said that there is currently a Committee working through SWRPA to discuss potentially adding more parking at the Noroton Heights train station. This should be reflected in this Chapter. Mr. Damanti also noted the importance for the Town in purchasing the Koons property at the intersection of West Avenue and Leroy Avenue to provide commuter parking. Mr. Kenny mentioned that another site that should be considered for purchase by the Town is the vacant lot across from Day Street (also known as the "Brandman's" lot). This may provide an excellent access way to the municipal parking lot behind it and relieve some traffic strain on the Post Road. Ms. Forman said that it is important to get adequate parking placed behind buildings in downtown Darien rather than in front of or alongside the buildings. Mr. Kenny then suggested a number of intersections that could be considered for improvements including the intersections of: Middlesex & Mansfield; Mansfield & Talmadge Hill; Mansfield Avenue & Boston Post Road (possibly being expanded southbound to two lanes); and Hollow Tree Ridge Road & Boston Post Road. Mr. Damanti said that the Chapter should note that at the intersection of Boston Post Road & Ledge Road, it is important to consider the likely redevelopment of the Howard Johnson's property when considering improvements to the area. Mr. Ginsberg suggested that Mr. Aloise prepare a conceptual design for that intersection and its improvements relative to Exit 11.

Mr. Ginsberg then outlined the procedure relative to writing the remainder of this Chapter. Commission members should submit comments to him by September 23rd, and he will forward them to Mr. Aloise who will then make the necessary changes to the draft. Mr. Aloise and Mr. Mirsky will then work with Mr. Ginsberg in September and October on the next phase of this Chapter. Representatives from URS Greiner will then return to discuss the entire Chapter in early or mid-November.

Executive Session to Discuss Pending Litigation.

Commission members discussed one item in pending litigation, which was the Martin matter.

The meeting was then adjourned at 10:15 p.m.

Respectfully submitted,

Jeremy B. Ginsberg
Planning and Zoning Director